

## Calendar No. 30

106TH CONGRESS  
1ST SESSION**S. 557**

To provide guidance for the designation of emergencies as a part of the budget process.

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IN THE SENATE OF THE UNITED STATES

MARCH 8, 1999

Mr. THOMPSON, from the Committee on Governmental Affairs, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

To provide guidance for the designation of emergencies as a part of the budget process.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. EMERGENCY DESIGNATION GUIDANCE.**

4       The Congressional Budget Act of 1974 is amended—

5               (1) by adding at the end of title III the follow-  
6       ing:

7       **“SEC. 318. EMERGENCY LEGISLATION.**

8       “(a) DESIGNATIONS.—

1           “(1) GUIDANCE.—In making a designation of a  
2           provision of legislation as an emergency requirement  
3           under section 251(b)(2)(A) or 252(e) of the Bal-  
4           anced Budget and Emergency Deficit Control Act of  
5           1985—

6                   “(A) the President shall submit a message  
7           to the Congress analyzing whether a proposed  
8           emergency requirement meets all the criteria in  
9           paragraph (2); and

10                   “(B) the committee report, and any state-  
11           ment of managers if any, accompanying that  
12           legislation shall analyze whether a proposed  
13           emergency requirement meets all the criteria in  
14           paragraph (2).

15           “(2) CRITERIA.—

16                   “(A) IN GENERAL.—The criteria to be con-  
17           sidered in determining whether a proposed ex-  
18           penditure or tax change is an emergency re-  
19           quirement are whether it is—

20                           “(i) necessary, essential, or vital (not  
21                   merely useful or beneficial);

22                           “(ii) sudden, quickly coming into  
23                   being, and not building up over time;

24                           “(iii) an urgent, pressing, and compel-  
25                   ling need requiring immediate action;

1 “(iv) subject to subparagraph (B), un-  
 2 foreseen, unpredictable, and unanticipated;  
 3 and

4 “(v) not permanent, temporary in na-  
 5 ture.

6 “(B) UNFORESEEN.—An emergency that  
 7 is part of an aggregate level of anticipated  
 8 emergencies, particularly when normally esti-  
 9 mated in advance, is not unforeseen.

10 “(3) JUSTIFICATION FOR FAILURE TO MEET  
 11 CRITERIA.—If the proposed emergency requirement  
 12 does not meet all the criteria set forth in paragraph  
 13 (2), the President, the committee report, or the  
 14 statement of managers, as the case may be, shall  
 15 provide a written justification of why the require-  
 16 ment should be accorded emergency status.

17 “(b) POINT OF ORDER.—

18 “(1) IN GENERAL.—When the Senate is consid-  
 19 ering a bill, resolution, amendment, motion, or con-  
 20 ference report, upon a point of order being made by  
 21 a Senator against any provision in that measure des-  
 22 ignated as an emergency requirement pursuant to  
 23 section 251(b)(2)(A) or 252(e) of the Balanced  
 24 Budget and Emergency Deficit Control Act of 1985  
 25 and the Presiding Officer sustains that point of

1       order, that provision along with the language mak-  
2       ing the designation shall be stricken from the meas-  
3       ure and may not be offered as an amendment from  
4       the floor.

5           “(2) GENERAL POINT OF ORDER.—A point of  
6       order under this subsection may be raised by a Sen-  
7       ator as provided in section 313(e).

8           “(3) CONFERENCE REPORTS.—If a point of  
9       order is sustained under this subsection against a  
10      conference report the report shall be disposed of as  
11      provided in section 313(d).”; and

12           (2) in the table of contents in section 1(a), by  
13      adding after the item for section 317 the following:

“318. Emergency legislation.”.



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